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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

|   |   |                           |
|---|---|---------------------------|
| JOSUE SOTO, Individually, on Behalf of All  | ) | Civil No.08cv0033 L (AJB) |
| Others Similarly Situated, and on Behalf of | ) |                           |
| the General Public,                         | ) |                           |
|   | ) | ORDER FOLLOWING EARLY     |
| Plaintiff,                                  | ) | NEUTRAL EVALUATION        |
| v.  | ) | CONFERENCE                |
|   | ) |                           |
| DIAKON LOGISTICS, INC., a Foreign           | ) |                           |
| Corporation,                                | ) |                           |
|   | ) |                           |
| Defendants.                                 | ) |                           |
|   | ) |                           |
| AND ALL COUNTER-CLAIMS.                     | ) |                           |

On March 12, 2008, the Court convened an Early Neutral Evaluation Conference in the above entitled action. Appearing were Derek Emge, Esq., Josue Soto and Todd Hilts, Esq. on behalf of plaintiff; James H. Hansen, Esq., Christopher C. McNatt, Esq. and Charles H. Johnson, client representative on behalf of defendant.

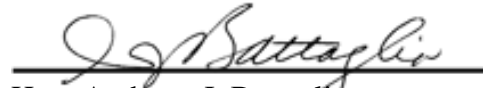
The case is not in a position for settlement at the conference. Many legal issues are involved, and there is a related case now pending in the Northern District of California. It is *Rashid v. Diakon Logistics, Inc., et al.*, CO8-621BZ. The parties will attempt to have that matter transferred to the Southern District of California and then consolidate it with this pending matter. There is currently pending a motion with Judge Lorenz on the counter-claimant third party Complaint.

Counsel are working cooperatively, and will proceed to have their Rule 26(f) conference no later than April 25, 2008. The Court will hold a Case Management Conference on ***April 25, 2008 at 1:30***

1 *p.m.* to review the status of the proceedings, evaluate whether there is further settlement potential at this  
2 stage, and set further dates and deadlines as appropriate.

3 IT IS SO ORDERED.

4  
5 DATED: March 14, 2008

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7 Hon. Anthony J. Battaglia  
8 U.S. Magistrate Judge  
9 United States District Court  
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